

**-IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	
)	Case No. 19-18655
NICOLE ELIZABETH ZILBERBRAND,)	
)	Chapter 7
Debtor.)	
)	Honorable A. Benjamin Goldgar
)	Lake County
_____)	
ILENE F. GOLDSTEIN, not individually)	
but as chapter 7 Trustee for the Estate of)	
Jason Lewis Zilberbrand,)	
)	
Plaintiff,)	
)	
v.)	
)	
NICOLE ELIZABETH ZILBERBRAND,)	Adv. No. 19-00963
)	
Defendant.)	
)	
)	

NOTICE OF MOTION

To: See attached list

PLEASE TAKE NOTICE that on **June 29, 2020, at 10:00 a.m.**, we will appear before the Honorable A. Benjamin Goldgar, or such other Judge as may be presiding in that Judge's place, and present the motion of Ilene F. Goldstein, not individually, but as chapter 7 Trustee for the Estate of Jason Lewis Zilberbrand, to dismiss the above-captioned adversary case, a copy of which is attached.

This Motion will be presented and heard telephonically. No personal appearance in Court is necessary or permitted. To appear and be heard telephonically on the motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at www.Court-Solutions.com or by calling Court Solutions at (917) 746-7476.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

The Trustee, or any creditors who wish to adopt and prosecute the adversary proceeding in question must seek leave to do so at or before the hearing on the motion to dismiss.

Ilene F. Goldstein

By: /s/ Paul M. Bauch

Lakelaw

53 W. Jackson, Suite 1115

Chicago, IL 60604

312.588.5000

pbauch@lakelaw.com

CERTIFICATE OF SERVICE

I, Justin Storer, certify that I served a copy of this notice and the attached motion on each entity shown on the attached service list at the address shown and by the method indicated on the list on June 8, 2020, at 5:00 p.m.

/s/ Justin R. Storer

SERVICE LIST

Via CM/ECF electronic noticing:

Jeffrey C. Dan
Goldstein & McClintock
111 W. Washington Street
Suite 1221
Chicago, IL 60602

And all other parties that requested or that receive electronic notice

Via email to asimon@cranesimon.com:

Arthur Simon
Crane, Simon, Clar & Goodman
135 S. LaSalle Street
Suite 3705
Chicago, Illinois 60603

Via first class mail, postage prepaid:

All parties on following mailing list

Label Matrix for local noticing

0752-1

Case 19-18655

Northern District of Illinois

Eastern Division

Mon Jun 8 08:37:25 CDT 2020

Bank of America

P.O. Box 851001

Dallas, TX 75285-1001

U.S. Bankruptcy Court

Eastern Division

219 S Dearborn

7th Floor

Chicago, IL 60604-1702

Ilene Goldstein

c/o Bauch & Michaels LLC

53 W. Jackson Blvd., Suite 1115

Chicago, IL 60604-3566

American Express

P.O. Box 0001

Los Angeles, CA 90096-0001

Jason Zilberbrand

4560 Eleanor Dr.

Lake Zurich, IL 60047-5260

Northwestern Hospital

28155 Network Place

Chicago, IL 60673-1281

(p)VOLKSWAGEN CREDIT UNION

1401 FRANKLIN BLVD

LIBERTYVILLE IL 60048-4460

Yiewen Chen

P.O. Box 2145

Northbrook, IL 60065-2145

Jeffrey C Dan

Goldstein & McClintock LLLP

111 West Washington

Suite 1221

Chicago, IL 60602-3482

Joseph E Cohen

Cohen & Krol

105 West Madison Suite 1100

Chicago, IL 60602-4600

Nicole Elizabeth Zilberbrand

4560 Eleanor Dr.

Long Grove, IL 60047-5260

Patrick S Layng

Office of the U.S. Trustee, Region 11

219 S Dearborn St

Room 873

Chicago, IL 60604-2027

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NICOLE ELIZABETH ZILBERBRAND,)	Adv. No. 19-00963
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Defendant.)	
)	
)	

MOTION TO DISMISS

Now comes Ilene F. Goldstein (“Trustee”), not individually, but as the Chapter 7 Trustee for the estate of Jason Lewis Zilberbrand (“Debtor”), hereby moves for an order dismissing the above-captioned bankruptcy case, with prejudice, but with leave to reinstate pursuant to settlement. In support of this Motion, the Trustee states as follows:

JURISDICTION & VENUE

1. The Court has jurisdiction over this case under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under, *inter alia*, 28 U.S.C. § 157(b)(2)(A), (N), and (O).
2. Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

3. By Local Rule 40.3.1 of the United States District Court for the Northern District of Illinois, the District Court has referred all bankruptcy cases to the Bankruptcy Court for initial determination.

FACTUAL & PROCEDURAL BACKGROUND

4. Jason Lewis Zilberbrand filed a voluntary chapter 7 petition on February 23, 2017 (“Petition Date”).

5. Ilene F. Goldstein is the duly appointed, qualified, and acting trustee in this case.

6. On March 12, 2019, the Plaintiff has filed an adversary complaint, endeavoring to revoke the Debtor’s discharge, styled *Ilene F. Goldstein, not individually, but in her capacity as chapter 7 Trustee for the Estate of Jason Lewis Zilberbrand v. Jason Lewis Zilberbrand*, Case No. 19 AP 00129 in the Bankruptcy Court (“the “Jason Zilberbrand Discharge Adversary”).

7. Furthermore, in a separate adversary proceeding in her service as Jason Lewis Zilberbrand’s chapter 7 Trustee, Trustee had occasion to obtain a judgment against Jason Lewis Zilberbrand’s wife, Nicole Zilberbrand, in the amount of \$199,405.20, plus all costs and fees.

8. On July 1, 2019, Nicole Zilberbrand filed her chapter 7 bankruptcy case.

9. On October 3, 2019, as a creditor of Nicole Zilberbrand by virtue of her judgment against Nicole Zilberbrand, Trustee commenced adversary proceeding *Ilene F. Goldstein, not individually, but in her capacity as chapter 7 Trustee for the Estate of Jason Lewis Zilberbrand v. Nicole Elizabeth Zilberbrand*, Case No. 19 AP 00963 in the Bankruptcy Court, seeking to deny the dischargeability of her judgment, as well as deny Nicole Zilberbrand’s discharge (the “Nicole Zilberbrand Discharge Adversary”).

10. The Trustee has negotiated a global settlement with Jason Zilberbrand and Nicole Zilberbrand, whereby they, collectively, would pay the Trustee the sum of \$100,000.00 (the

“Settlement Sum”) over a period of time, with an initial payment of \$25,000.00, and payments of \$6,250 per month for the following twelve months, as fully set forth in the Settlement Agreement, in exchange for the dismissal, with prejudice but with leave to reinstate, of both the Jason Zilberbrand Discharge Adversary and the Nicole Zilberbrand Discharge Adversary.

11. The Court’s order granting the Trustee authority to compromise both adversaries and enter into that settlement agreement was entered on June 1, 2020.

12. Pursuant to the settlement agreement, the Trustee now moves to dismiss the above-captioned adversary case.

REQUESTED RELIEF

13. The Trustee requests that the Court enter an order dismissing her complaint with prejudice, but with leave to reinstate on or before August 1, 2021.

BASIS FOR REQUESTED RELIEF

14. Pursuant to Local Bankruptcy Rule 7041-1, no adversary proceeding objecting to or seeking to revoke a debtor’s discharge under Section 727 of the Bankruptcy Code will be dismissed except on motion and hearing after 21 days’ notice to the Debtor, the United States Trustee, the trustee, and all creditors and other parties of record. The motion must specifically describe the consideration promised, given, or received.

15. Plaintiff submits that the notice requirement will have been satisfied, and that this motion, above, specifically describes the consideration promised for the dismissal of this adversary.

15. As detailed in the settlement motion, the Plaintiff, in the exercise of her business judgment, believes that the settlement embodied in the Settlement Agreement, and so now

dismissing the adversary case, is in the best interests of the estate and well within the range of reasonableness.

NOTICE

18. The Trustee has provided no fewer than twenty-one (21) days' notice of the hearing on this motion to Jason Lewis Zilberbrand and Nicole Elizabeth Zilberbrand, their counsel, an attorney at their counsel's prior law firm who has not appeared but who has advised that he is now representing Jason Lewis Zilberbrand and Nicole Elizabeth Zilberbrand, the Office of the United States Trustee, Nicole Elizabeth Zilberbrand's permanent chapter 7 Trustee, all scheduled creditors of either debtor, as well as all parties that have requested or receive notice through CM/ECF. For the above reasons, the Plaintiff requests that the Court find the notice provided for herein adequate and proper.

WHEREFORE, Ilene F. Goldstein, chapter 7 Trustee of the estate of Jason Lewis Zilberbrand, respectfully requests that this Court enter an order dismissing this adversary case, with prejudice, but with leave to reinstate.

Date: June 8, 2020

Ilene F. Goldstein

By: /s/ Paul M. Bauch

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53 W. Jackson, Suite 1115

Chicago, IL 60604

312.588.5000

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